SINGLE BENCH

(3)

(5)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) NO. 109 **/2007**

PETITIONER : M/S. LAXMI COLD STORAGE, Through: its Proprietor, Smt. Chandrakanta, W/o. Janaklal Goyal, Aged about 45 years, Ambikapur, District Surguja (CG)

VERSUS

RESPONDENTS

1] State of Chhattisgarh, Through: Secretary, Trade & Industries Department, D.K.S. Bhawan, Raipur, District Raipur (CG)

2] General Manager, District Trade and Industries Centre, Ambikapur, Surguja, District Surguja (CG)

3] S.D.M., Ambikapur, District Surguja (Chhattisgarh)

4] Deputy Director, Industries Directorate, Chhattisgarh, Raipur (CG)

5] Commissioner, Industries Directorate, Chhattisgarh Raipur District Raipur (CG)

P.R. No. 458/07
Presented by Shri Vikram Dixit
dated 12/11/07

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C.) No. 109/2007 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25-1-2007

Shri Manoj Paranjpe, Advocate for the petitioner.

Shri Vinay Harit, Dy. Advocate General for the State.

Heard on I.A. No. 836/2007 for taking document on record.

Not opposed.

The application is allowed. Document is taken on record.

Heard.

This petition is directed against the order dated 22-12-2006 of Annexure P-4 passed by the respondent No. 2-General Manager, District Trade and Industries Centre, Ambikapur.

Learned counsel for the petitioner submits that the petitioner was allotted the disputed land for 99 years' lease and an agreement was entered into for the above purpose vide Annexure P-1 in the month of April, 2005, however by the order impugned, the allotment of lease in favour of the petitioner has been cancelled without affording any opportunity of hearing. He further submits that as per Clause 33 of the agreement, he had preferred a representation vide annexure P-6 before the concerned Minister of the State Government on 11-1-2007 well within 30 days from the date of impugned order through registered post however, the same has not been considered and respondents are likely to dispossess the petitioner from the allotted premises. He further submits that

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

instant petition may be disposed of with a direction to the concerned authorities to dispose of the representation of Annexure P-6 in accordance with the agreement of Annexure P-1 and till decision of the representation, the petitioner should not be dispossessed in pursuance of order of Annexure P-4 dated 22-12-2006, which is not opposed by the counsel for the State.

In view of the submission made by the counsel for the parties, instant petition is disposed of with a direction to the respondents that they shall consider the representation of Annexure P-6 on its own merit after affording an opportunity of hearing to the petitioner. It is further directed that till appropriate order is passed on the representation of Annexure P-6, the petitioner shall not be dispossessed from the allotted premises.

The petition is accordingly disposed of.

Consequently, M.W.P. No. 240/2007 and I.A.No. 684/2007 stand disposed of.

Sd/-
Dhirendra Mishra
Judge

P.T.O.